

NGA

N. AH GREENBERG ASSOCIATES

22 Beebe Acres Road, Falmouth, Massachusetts 02540

ARCHITECTS

(508) 457-0424

June 18, 2001

Mr. William B. Owen
Director of Public Works
59 Town Hall Square
Falmouth, Massachusetts 02540

Dear Mr. Owen,

On May 30, of this year, the Central Register posted an advertisement describing a Request for Qualifications to perform Architectural Design Services for an addition and renovation of the D.P.W. Facility on Gifford Street in Falmouth. This advertisement has caused us considerable consternation and confusion since it is our understanding that an agreement to perform these services has existed between us since 1998, and that we have performed satisfactorily and within the requirements of our agreement. It troubled me greatly that these actions were taken without notice, consultation or agreement on our part even after we have provided Preliminary Designs for the project. We have been very co-operative with your departments' needs and schedules, and it is our understanding that you were waiting final funding in order for us to proceed to the Design Development stage of the project.

The most troubling aspect of this situation is that the RFQ contained proprietary design drawings belonging to NGA Associates and were released without our permission and in direct conflict with AIA, and DSB rules.

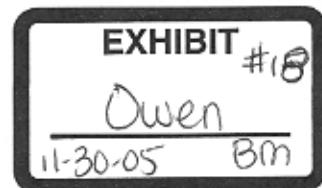
Please be advised that we fully intend to pursue all of our rights and options regarding this unfortunate situation.

Sincerely;


Noah Greenberg, RA
NGA Associates Architects

Date: June 18, 2001

Cc: Town Managers Office
Falmouth, MA.



GANNETT FLEMING ENGINEERS AND ARCHITECTS, P.C.

150 WOOD ROAD
 BRAINTREE, MA 02184
 TEL (781) 380-7750
 FAX (781) 380-7754

AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES

THIS AGREEMENT made and entered into this 7th day of ^{March} February, 2002 is by and between:

Client Name: Town of Falmouth
 Department of Public Works
 59 Town Hall Square
 Falmouth, MA 02540
 Tel: (508) 548-7611
 Fax: (508) 457-2511

WB

Mr. William B. Owen, P.E.
 Director of Public Works

(hereinafter called Client) and Gannett Fleming Engineers and Architects, P.C. (hereinafter GF) as follows:

1. Client desires to engage GF to provide Architectural Design Services in connection with Client's project, ("The Project") described as follows:

Project Name: Public Works Maintenance Facility - Addition and Renovation

Project Location: Falmouth, Massachusetts

Project Description: Design of a New Vehicle Storage Garage, Administration Addition, and Renovations to the Existing DPW Structure.
2. GF agrees to provide Technical Services for the Project in accordance with the General Conditions, pages G-1 to G-7, the Scope of Services, pages S-1 to S-4, the Fee Schedule, page F-1, and Attachment A - Response to your letter dated February 5, 2002, attached hereto, incorporated by reference and made part of this Agreement.
3. It is anticipated that the period of service for this Agreement will be from March 1, 2002 to December 1, 2002.
4. A signed copy of the Agreement returned to our office will serve as authorization to proceed with the work and a copy of the Agreement containing our signature will be returned for your files.
5. GF shall have the option to void this Agreement if not executed and returned to GF within thirty (30) days.

We appreciate the opportunity to submit this Agreement and look forward to working with you on this project.

GANNETT FLEMING, INC.

By: 
 Donald B. Nicholas, P.E.
 Vice President

TOWN OF FALMOUTH

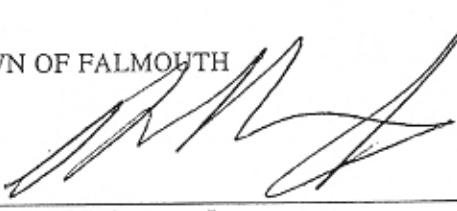
By: 
 Robert L. Whritenour, Jr.
 Town Administrator

EXHIBIT #21

Owen
 11-30-05 Bm

SCOPE OF SERVICES

Task 1 - Review Existing Information

Review existing preliminary plans prepared for the Falmouth DPW in 1994 to understand the DPW's intent regarding the objectives of the project. Meet with the DPW staff to determine current needs of the facility. Evaluate the preliminary design to determine if the existing preliminary plans meet the current needs of the DPW and prepare recommended modifications to the preliminary plans. Prepare an initial construction cost estimate of the proposed work, including recommended modifications. Review the recommended modifications to the preliminary plans and the initial construction cost estimate with the DPW for compatibility with the DPW needs and objectives. Obtain DPW concurrence with the recommended changes to the preliminary plan. Modify the preliminary plan to incorporate the modifications accepted by the DPW.

Task 2 - Geotechnical Explorations

- 2.1 Conduct a geotechnical program to determine subsurface conditions to support structural foundation design. Two borings will be obtained at the site of the vehicle storage building addition and one boring will be obtained at the location of the Administration area addition. Inspection services during the course of field sampling will be provided to ensure reliability of the results.
- 2.2 Prepare a Geotechnical Report in letter form that will discuss the evaluation of existing soils conditions, foundation considerations and conclusions.

Task 3 - Design, Specifications and Cost Estimates

- 3.1 Prepare plans, specifications, and cost estimates for the following elements of the project:
 - Design of a \pm 29,000 SF pre-engineered metal building structure with a concrete knee wall up to 4'-0" high around perimeter of building. This building will be used for indoor storage of vehicles and for washing of vehicles.
 - Design of a new \pm 3,000 SF addition to the existing building for offices, a lunch room, administration area toilet facilities, and reception area.

- Renovation of the existing facility.
- Design of site improvements that consist of a new septic system to serve the new administration area toilet facilities, a tight tank to collect effluent from vehicle washing operations and from new building floor drains, and that site design required immediately adjacent to the building additions and renovations.
- Conduct a preliminary Chapter 34 structural evaluation.

Survey: the Town of Falmouth will provide topographic and utility surveys as required for the project.

Storage Building Addition: The storage building additional shall consist of the following elements:

- + 27,900 SF of unheated building space for the storage of vehicles.
- + 1,300 SF of heated building space for vehicle washing.
- Ventilation system as required by code.
- Floor drains as required that will direct effluent to an exterior tight tank for collection.
- Dry sprinkler system for fire protection.
- Lighting and Electrical power for doors and equipment.
- Fire alarm system.
- Overhead crane system in a portion of the building of approximately 2,400 SF in size for storage and transport of sander units.
- The design will be based on an addition that is structurally isolated from the existing building such that no part of the structural system of the existing building is modified as a result of the new construction. The design will also be based on using a shallow foundation and concrete floor slab on grade of similar construction to the foundations and floor slabs of the existing building

Administration Building Addition: The administration addition shall consist of the following elements:

- Selective demolition of the existing building at the main entrance.
- Provide second floor space within the new addition for use as storage space. It is not the intention of this project to provide second floor space that will be occupied or to provide any space that will require an elevator.
- The design will be based on an addition that is structurally isolated from the existing building such that no part of the structural system of the existing building is modified as a result of the new construction. The design will also be based on using a shallow foundation and concrete floor slab on grade of similar construction to the foundations and floor slabs of the existing building .
- The exterior design of this new addition shall be such to provide a better aesthetic appearance of the facility.

Building Renovations: The proposed building renovations shall consist of the following elements:

- Provide new locker/shower/toilet facilities.
- Provide an overhead vehicle exhaust system for the vehicle maintenance bays.
- Replace one vehicle door with a new overhead coiling door that is similar in appearance and function to existing vehicle doors.
- Paint all interior spaces of the existing building.
- Provide one new vehicle lift.
- Provide new dust collection system in the carpentry shop.
- Provide a posted mezzanine system in the vehicle maintenance area for storage of repair parts.
- Provide additional electrical outlets at new walls within the renovated portions of the existing building.

Task 4 - Final Design

Based on the approved Design developed under Task 3, detailed architectural and engineering drawings, specifications and bid documents for the project will be prepared.

4.1 Prepare final working drawings and specifications that completely describe in detail all work to be done for all elements of the project scope. The following work items are included in the project scope:

- Civil and Site Engineering.
- Architectural Design and Structural Engineering
- Mechanical and Electrical Engineering including Plumbing and Life Safety

Design will progress the Design effort described in Task 3 to Final Design following the program outlined in task 3. The plans and specifications will contain all necessary bidding information.

Prepare construction cost estimates. The estimates will be based on MEANS Construction Cost Data and previous project data maintained by Gannett Fleming.

Task 5 - Construction Bidding Process

5.1 Prepare bid documents (including contract addenda) and provide assistance to the Town in the bidding process. Assistance consists of distribution of bidding documents for public bidding, tabulation, analysis and evaluation of submitted construction bids and related bidding documentation, and recommendations on the award of the construction contract. It is assumed printing of Contract Documents for Contractor bidding will be covered by the Town of Falmouth and is beyond this scope of services.

FEE SCHEDULE

1. Soils Explorations and Borings:	\$ 2,300
2. Design Services:	\$142,000
3. Bidding Assistance	<u>\$ 5,500</u>

Total	\$149,800
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April 01, 2003

GANNETT FLEMING, INC.
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Braintree, MA 02184-2509
Office: (781) 380-7750
Fax: (781) 380-7754
www.gannettfleming.com

Mr. William B. Owen, P.E.
Department of Public Works
59 Town Hall Square
Falmouth, MA 02540

Re: Town of Falmouth
Department of Public Works
Maintenance Facility Addition and Renovations

Dear Mr. Owen:

On June 07, 2002, Gannett Fleming received a letter, on behalf of Noah Greenberg Associates, from the Law Offices of Richard M. Russell regarding the above mentioned project. Mr. Russell stated that Noah Greenberg Associates expressly reserved all rights in the plans previously prepared for the Town of Falmouth for this project and expressly prohibited any unauthorized use of said plans whether heretofore or hereafter undertaken.

Please be advised that the plans prepared by Noah Greenberg Associates were in no way utilized by Gannett Fleming in developing the final design documents for the Public Works Maintenance Facility Addition and Renovations. Gannett Fleming performed an independent space needs assessment and prepared new schematic design documents in order to develop a program which meets the current and future needs of the Falmouth Department of Public Works. The Noah Greenberg Associates' preliminary design documents were not utilized as part of this process. These new schematic design documents were approved by the Town and utilized in developing the final design documents.

Any potential similarities between Gannett Fleming's final design documents and Noah Greenberg Associates' preliminary design documents may be a result of industry standard space programming and design development for a facility of this nature. Consequently, Gannett Fleming is requesting that the Town of Falmouth hold Gannett Fleming harmless for any claims that Noah Greenberg Associates may bring against Gannett Fleming pertaining to this project.

If you are in concurrence, please sign below and return one copy for our files. Should you have any questions or comments, please do not hesitate to call.

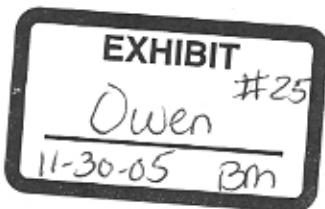
Very truly yours,

Donald B. Nicholas, P.E.
Vice President

William B. Owen

Town of Falmouth

4/3/03
Date



A Tradition of Excellence

cc: Frankie Duffy, Town Counsel